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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/780,903 | 02/19/2004 | Akihiko Maruyama | SE-US045035 | 7554 |
| 22919 7590 08/10/2007 GLOBAL IP COUNSELORS, LLP 1233 20TH STREET, NW, SUITE 700 WASHINGTON, DC 20036-2680 | | | EXAMINER PHAN, THANH S | |
| | | | ART UNIT 2833 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/780,903 | Applicant(s) HAEFNER ET AL | |
| | Examiner Thanh S. Phan | Art Unit 2833 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12-15,18,19,21-23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,12-15,18,19,21-23 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 12-14, 18-23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuga.

Regarding claims 10 and 18. Kasuga discloses a timing device [figure 32; column 17 line 5 – column 18, line 15], comprising: an antenna [852; figure 32; column 17, lines 59-61] being configured to receive electromagnetic waves; a communication unit [column 17, line 61] to communicate with an external communication device via the antenna, the communication unit having a receiving unit [853] receiving time information at a specific cycle from the outside via the antenna [852], and a current time counter unit [831] sequentially updating the current time information using the time corresponding to the time information received by the receiving unit as a reference; and a drive unit [ultrasonic motor 832]; and a time display unit [column 16, lines 54-57] displaying time information, the mechanical structure [column 16, lines 54-57] displaying the time information on the time display unit on the basis of the current time information from the current time counter unit, the time display unit being operable while the electromagnetic waves are being received.

In this particular embodiment [figure 32], Kasuga does not explicitly disclose that the drive unit having a piezoelectric actuator that oscillates according to a signal from the communication unit, and a mechanical structure designed to be driven by the piezoelectric actuator and provided with a time display unit for displaying time information.

In another embodiment [figure 25; column 17, lines 11-31]; Kasuga discloses wherein the drive unit having a piezoelectric actuator that oscillates according to a signal from the communication unit, and a mechanical structure designed to be driven by the piezoelectric actuator and provided with a time display unit for displaying time information.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the drive unit as suggested in the embodiment of figure 25 with the embodiment of figure 32 to the purpose of displays the time accurately.

Regarding claim 12. Kasuga discloses wherein the mechanical structure further has a rotor [rotation member of motor 832]; and the piezoelectric actuator is configured so as to drive rotatably the rotor by elliptical movement resulting from a combination of longitudinal oscillation and curved oscillation [column 17, lines 45-56].

Regarding claim 13. Kasuga discloses wherein the piezoelectric actuator comprises an oscillating plate having a plate-shaped piezoelectric element [322] and a reinforcing plate [323] stacked on the piezoelectric element, a contact section [column 17, lines 21-23] provided to the longitudinal tip of the oscillating plate, a support member [326], and a holding section [shown in figure 25] to hold the oscillating plate on the

support member; and the contact section is disposed at a location in which a rotor of the mechanical structure is driven by displacement resulting from the oscillation of the piezoelectric element [column 17, lines 12-44].

Regarding claim 14. Kasuga discloses wherein the time display unit comprises pointers [column 16, lines 54-57] for displaying time information and a pointer driving actuator drive the pointers and as illustrated in figure 32, wherein the antenna is configured to permit proper functionalities of the timepiece device except for explicitly describe that the antenna is disposed at a location in which the positive projection of the antenna on a plane perpendicular to the thickness direction of the timing device does not overlap the positive projection of the pointer driving piezoelectric actuator on the plane, and is also disposed to be separated by a specific distance in a direction perpendicular to the thickness direction.

It is old and well known in the art that the displacement of the components within the timepiece need to meet the specifications of the of the timepiece device to allow proper time displaying. It also taken that both the concept and the advantages for displaying the time accurately which include the antenna in a specific configuration are well known and expected in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have the antenna is disposed at a location in which the positive projection of the antenna on a plane perpendicular to the thickness direction of the timing device does not overlap the positive projection of the pointer driving piezoelectric actuator on the plane, and is also disposed to be separated by a specific distance in a

direction perpendicular to the thickness direction to facilitate proper time telling functions without interfering other components.

Regarding claims 19-21. The method steps are necessitated by the apparatus structures as disclosed above by Kasuga.

Regarding claims 22 and 23. In this particular embodiment [figure 25 and 32] Kasuga disclose the timing device as claimed except for explicitly mentioning wherein the device further comprising an electric power source to provide energy necessary for the operation of the timing device.

In the embodiment of figure 9, Kasuga discloses wherein the device comprising an electric power source [201] that is electrically connected to the operational component of the timepiece.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a power source as suggested by the embodiment of figure 9 with the embodiment of figure 25 to facilitate system operations.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kasuga in view of Nagasaka [US 6,603,236].

Regarding claim 26. Kasuga discloses a timing device [figures 25 and 32; column 17, line 5- column 18, line 15], comprising an antenna [852; figure 32; column 17, lines 59-61]; a communication unit [853] being configured to communicate with an external communication device via said antenna and to send signals to a piezoelectric actuator [323]; and a mechanical structure having a rotor, said piezoelectric actuator, a time display unit being driven by said piezoelectric actuator and displaying time information,

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and an analog display device having analog pointers to display physical quantities, said piezoelectric actuator being supplied with said electric energy from said storage unit, said piezoelectric actuator being configured to oscillate according to a signal from said communication unit, said piezoelectric actuator having, an oscillating plate having a plate-shaped piezoelectric element and a reinforcing plate stacked on the piezoelectric element, a contact section being provided on a longitudinal tip of said oscillating plate, a support member, and a holding section being configured to hold said oscillating plate on said support member [see claims 10-13 above].

Kasuga discloses a power source for providing electric power for the device except for specifying that the power source comprising a generator unit being provided with a generating coil, said generator unit being designed to convert kinetic energy into electric energy by utilizing electromagnetic induction a storage unit being configured to store electric energy.

Nagasaka discloses a timepiece wherein electric energy necessary to drive the wrist watch is generated by the movement of an arm and accumulated in a capacitor and an electronic circuit is driven by the electric energy. In the wrist watch to which the generator is assembled, the power of a rotary movement weight is transmitted to the generator through a power transmission mechanism composed of a speed increasing train wheel, and electric power is generated by causing an electromagnetic inducing action on a coil due to the change of a magnetic field which is generated by the rotation of the rotor.

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Since Kasuga and Nagasaka are both from the same field of endeavor, the purpose disclosed by Nagasaka would have been recognized in the pertinent art of Kasuga.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the power generation design of Nagasaka with the device of Kasuga for the purpose of providing energy without replacement of the power source.

Response to Arguments

Applicant's arguments filed 03/15/07 have been fully considered but they are not persuasive.

Regarding claims 10, 18, 19 and 21:

Applicant argues that Kasuga is silent with regards to receiving time information at a specific cycle. Examiner disagrees. Applicant has not claimed, nor has examiner considered, what is a specific cycle. Kasuga discloses, as acknowledge by applicant, see page 10, a receiving unit 853 which has the capability of receiving time information from external source(s) at a specific cycle of when the receiving occurs.

Applicant argues that the current time unit 831 is not connected to the receiving unit 853, therefor asserted that the current time unit of Kasuga is incapable of receiving time information form the receiving unit. Examiner disagrees. As illustrated in figure 32, the current time unit 831 is connected to the receiving unit 853 via the data comparing circuit 855, the external signal decision circuit 856 and the output pulse-selecting circuit 857, therefor the current time unit has the capability of receiving external signal via the receiving unit. Furthermore, applicant has not claimed that the current time counter unit

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directly receives external signals, but only updating the current time information using the corresponding to the time information received by the receiving unit as a reference.

Applicant further argues that the motor Kasuga vibrates to inform a user that information has been entered and not to update time. Examiner disagrees. As pointed out at column 18, in claim 1, the motor comprises a driving pulse-generating circuit which produces the driving pulses necessary for operations of the time telling device.

Regarding claims 26 and 13:

Applicant asserts that the oscillating plate disclosed by Kasagu et al., identified in the Office Action as 323, fails to contact anything at a longitudinal or lengthwise tip. Examiner would like clarify, as stated in the rejection, that the oscillating plate having members 322 and 323. Element 323 alone is not the oscillating plate. As discloses at column 17, lines 21-23, a moving member 321 makes contact with element 322 of the oscillating plate. Furthermore, a shifting in location is generally recognizing as being within the level of ordinary skill in the art when the operation of the device would not thereby be modified. In re Japikse, 86 USPQ 70 (CCPA 1950).

For the foregoing reasons, the claims continue to be anticipated by Kasuga and its combination. Accordingly, the examiner's rejection is repeated.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

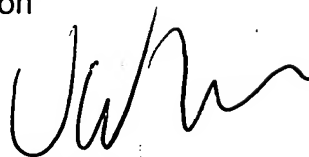
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S. Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on 571-272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Vit Miska
Primary Examiner